

SEP 15 2020

Legal  
AT2746833

IN THE COUNTY COURT OF COAHOMA COUNTY, MISSISSIPPI

KATRESHA KING AND TIFFANY HOLMES,  
INDIVIDUALLY AND ON BEHALF OF HER  
DAUGHTER, KAISLEY BOOTH

Renea Pulliam

14-CO PLAINTIFFS

CIVIL ACTION NO.:

2020-0157

VERSUS

MID-SOUTH HAULING, INC.

DEFENDANT

**COMPLAINT**

(Jury Trial Demanded)

**Parties**

COME NOW the Plaintiffs, Katresha King and Tiffany Holmes, individually and on behalf of her daughter, Kaisley Booth, by and through counsel, and exhibit their Complaint against the Defendant, Mid-South Hauling, Inc., and would show unto the Court the following, to-wit:

1. The Plaintiff, Katresha King (hereinafter "Katresha"), is an adult resident of Phillips County, Arkansas.
2. The Plaintiff, Tiffany Holmes (hereinafter "Tiffany"), individually and on behalf of her minor daughter, Kaisley Booth (hereinafter "Kaisley," and collectively with Tiffany and Katresha, the "Plaintiffs"), is an adult resident of Phillips County, Arkansas.
3. The Defendant, Mid-South Hauling, Inc., (hereinafter "Defendant") is a Mississippi Corporation with its principle place of business located at 2520 Dogwalk Road, Tutwiler, Mississippi 38963, and may be served with process upon its agent for service of process, Noe Rios, Jr., at 2520 Dogwalk Road, Tutwiler, Mississippi 38963 or at P.O. Box 1418, Clarksdale, Mississippi 38614.

**Jurisdiction and Venue**

4. This Court has subject matter jurisdiction in this case by virtue of *Miss. Code Ann.* § 9-9-21, as amended. The venue is proper in this Court as the events giving rise to this Complaint occurred or accrued in Coahoma County, Mississippi, as required by *Miss. Code Ann.* § 11-9-3, as amended.

**Facts**

5. On or about January 15, 2020, the Plaintiffs were driving north bound on Highway 61 preparing to travel through the Highway 61 / MS 316 intersection in Coahoma County. Prior to passing through the aforementioned intersection, an eighteen wheeled truck owned by the Defendant, but driven by Timothy Madison (hereinafter "Madison"), an agent/employee of the Defendant, was traveling in an easterly direction on MS 316 when, without warning, he did not stop between the median and failed to yield the right of way to the Plaintiffs, resulting in a violent collision and the accident in question.

6. As a result, the Plaintiffs suffered severe injuries.

**Liability**

7. Madison, an agent and/or employee of the Defendant, operated the Defendant's eighteen wheeled truck carelessly, negligently, wrongfully, and unlawfully so as to cause the vehicles to come into a violent collision, causing injuries to the Plaintiffs.

8. The collision and resulting damages to the Plaintiffs were directly and proximately caused or contributed to by the negligence of Madison, an agent and/or employee of the Defendant, in his failure to exercise the proper degree of care in the following respects, to-wit:

(a) Failing to maintain a proper lookout;

- (b) Failing to maintain control of the Defendant's eighteen wheeled truck;
- (c) Operating the Defendant's eighteen wheeled truck at an excessive rate of speed under the circumstances then and there existing;
- (d) Operating the Defendant's eighteen wheeled truck in a careless and reckless manner;
- (e) Failing to yield the right of way;
- (f) Failing to use reasonable care;
- (g) Failing to take action to avoid the collision when he knew, or should have known, that the collision was imminent;
- (h) Failing to devote full time and attention to the operation of his vehicle;
- (i) Failing to stop at the stop sign controlling the intersection;
- (j) Failing to stop in the median;
- (k) Failing to obey the rules of the road and the statutes and laws of the State of Mississippi; and,
- (l) Any other matters that would be proven at the trial of this action.

9. At all times relevant hereto, Madison was an agent, servant and/or employee of the Defendant and was acting in furtherance of the Defendant's business and, as a result, the Defendant is liable for the negligent acts of Madison, under the doctrine of *respondeat superior*.

#### **Damages**

10. As a result of the aforesaid negligent actions, the Plaintiffs sustained multiple injuries and as a result, have incurred medical expenses and suffered pain and discomfort, mental and emotional distress, loss of enjoyment of life, disability, lost wages, loss of wage earning capacity, property damage and will reasonably be expected to continue to suffer from such ailments in the future.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs, Katresha King and Tiffany Holmes, individually and on behalf of her daughter, Kaisley Booth, seek damages of, from, and against the Defendant, Mid-South Hauling, Inc., in an amount exceeding the minimal jurisdictional limits of this Court, plus pre-judgment interest from the date of the accident and post-judgment interest and costs occurred herein and such other relief to which the Plaintiffs may be entitled.

The Plaintiffs respectfully demand a trial by jury on all issues so triable.

THIS, the 4<sup>th</sup> day of September, 2020

Respectfully submitted,

MERKEL & COCKE  
A Professional Association  
Post Office Box 1388  
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By: \_\_\_\_\_

Edward P. Connell, Jr., (MSB #10647)